

Parameters and Guidelines

Health & Safety Code §§ 324.2 and 324.3

Chapter 1208, Statutes of 1976

Chapter 373, Statutes of 1991

Chapter 759, Statutes of 1992

Pupil Health Screenings

I. Summary of the Source of the Mandate

Chapter 1208, Statutes of 1976 added Health and Safety Code section 308.8 (later renumbered as Section 324.2) to (1) require the governing body of every school district which has children enrolled in the kindergarten to provide to parents or guardian information regarding county Child Health and Disability Prevention Program services; (2) require school districts to report to the county, the State Department of Health and State Department of Education the number of pupils enrolled in the first grade, the number of health screenings certificates received, and the number of waivers received; (3) require counties to reimburse school districts for the statistical information collection process; and (4) authorize the Superintendent of Public Instruction to withhold average-daily-attendance funds of any school district for any child for whom a health screening or waiver is not obtained.

Chapter 373, Statutes of 1991 (the Hughes Act), operative January 1, 1992, added Health and Safety Code section 324.3 to require that, pursuant to subdivision (d) , the governing body of each school district shall exclude for up to five days from school upon enrollment any first-grade pupil that lacks a Health and Safety Code section 323.5 health screening or waiver unless the parent or guardian otherwise complied with Section 323.5 by producing evidence of an appointment to obtain a health screening within 14 days and subsequently supplies evidence that a health screening was conducted within ninety-days of enrollment. As an exception to subdivision (d) , subdivision (e) allows the pupil to remain in school if the school district contacts the parent or guardian at least twice and the parent or guardian refuses to obtain the health screening or provide a signed waiver. However, subdivision (f) limits the number of subdivision (e) exceptions [that is, the number of pupils without a health screening or a parent or guardian waiver] to no more than five percent of the school district's first-grade pupil enrollment, and further specifies that subdivision (e) exceptions should occur only in family situations of great disfunction or disruption such as substance abuse by parents or guardians, child abuse, or child neglect. Subdivision (g) requires school districts to notify parents upon enrollment of the child in kindergarten or first grade of the obligation of parents to comply with subdivision (d) as well as inform parents or guardians of the availability to low-income children of free health screenings through the Child Health Disabilities Prevention Program. Subdivision (h) states it is the intent of the Legislature that school districts provide the health screening notification as part of the same notice process for immunizations as well as encourage the two services be obtained simultaneously.

Chapter 759, Statutes of 1992 (at section 81), operative September 21, 1992, among other actions, amended Health and Safety Code section 324.3 at subdivision (d) to delay the exclusion from school attendance to the first school day following ninety calendar days from the date of entrance into the first grade. In addition, subdivision (d) was amended to no longer allow evidence of a pending health screening appointment as a reason to exempt exclusion from attendance. Subdivision (e) was amended to require school districts make the previously required family contact twice during the ninety day period before the pupil can be excluded from attendance. Amended subdivision (e) also includes the provisions of original subdivision (f).

II. Commission on State Mandates' Decision

The Commission on State Mandates, in the Statement of Decision adopted at the May 26, 1994 hearing found that Health and Safety Code section 324.2 as added by Chapter 1208, Statutes of 1976 and amended by Chapter 373, Statutes of 1991; and Health and Safety Code section 324.3 as added by Chapter 373, Statutes of 1991 and amended by Chapter 759, Statutes of 1992 impose a new program or higher level of service within the meaning of Section 6, Article XIII B of the California Constitution, for those school districts and county offices of education with kindergarten or first-grade pupil enrollments.

The Commission determined that the following provisions of Health and Safety Code Sections 324.2 and 324.3 established costs mandated by the state pursuant to Government Code section 17514, by requiring school districts to:

- (1) Notify the parents or guardians of enrolled kindergarten students of the availability of CHDPP services and to notify parents or guardians of kindergarten and first-grade pupils upon enrollment of their responsibilities relative to Health and Safety Code Section 323.5 (and such notification should be in conjunction with the notification regarding immunizations);
- (2) Contact the parent or guardian of first-grade pupils to obtain their compliance with the requirements of Health and Safety Code section 323.5.
- (3) Exclude first-grade pupils, not otherwise exempted from exclusion, for up to five days if the pupil's parent or guardian fails to provide a health screening certificate or waiver.
- (4) Report compliance results and statistics to other government agencies.

The Commission determined that the following provisions of Health and Safety Code Sections 324.2 and 324.3 did not establish costs mandated by the state pursuant to Government Code section 17514:

- (1) Any average-daily-attendance penalty assessed by the Superintendent of Public Instruction pursuant to Health and Safety Code section 324.2.
- (2) The loss of average-daily-attendance funds by operation of the Education Code as a result of excluding pupils from school for failure to provide a health screening certificate or waiver.
- (3) Contacting the parent or guardian of first-grade pupils in order to exempt from exclusion from school (pursuant to Health and Safety Code section 324.3, subdivision

(e) those first- grade pupils from family situations of great disfunction or disruption that makes compliance unlikely.

III. Eligible Claimants

Any “school district”, as defined in Government Code section 17519, except for community colleges, which incurs increased costs as a result of this mandate is eligible to claim reimbursement.

IV. Period of Reimbursement

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed on December 2, 1993, therefore all mandated costs incurred on or after July 1, 1992, for implementation of Health and Safety Code Sections 324.2 and 324.3 are reimbursable.

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Section 17561 (d) (3) of the Government Code, all claims for reimbursement of initial years' costs shall be submitted within 120 days of notification by the State Controller of the enactment of the claims bill.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

V. Reimbursable Costs

A. Scope of the Mandate

School districts and county offices of education with kindergarten or first-grade pupils shall be reimbursed for the costs incurred: to notify the parents or guardians of enrolled kindergarten and first-grade pupils of the availability of CHDPP services; to obtain compliance by the parent or guardian of first-grade pupils with the requirements of Health and Safety Code section 323.5; to exclude first-grade pupils not otherwise eligible for exemption from exclusion for up to five days if the pupil's parent or guardian fails to provide a health screening certificate or waiver; and to report compliance results and statistics to other government agencies.

Costs incurred for contacting parents or guardians to exempt first-grade pupils from exclusion from school are not reimbursable.

B. Reimbursable Activities

For each eligible school district or county office of education with kindergarten or first-grade pupils, the direct and indirect costs of labor, supplies and services incurred for the following mandate components are reimbursable:

1. Notification to Parents

Preparation of a form letter and issuance, or other reasonable method of communication, for the purpose of notifying each parent or guardian, upon their child's enrollment in kindergarten or first grade, of their obligation to obtain a pupil health screening and to encourage them to obtain the screening simultaneously with required immunizations, and inform them about the services available from the county Child Health and Disabilities Prevention Program.

2. Obtaining Parental Compliance

Contacting the parents or guardian of first grade pupils by telephone or in writing, in absence of a response to the initial notice, to obtain either a certificate of health screening or a written waiver signed by the pupil's parent or guardian.

3. Exclusion of Pupils

To exclude from attendance for up to five school days, beginning the 91st calendar day after entrance to the first grade, any first-grade pupil that lacks a health screening or waiver of the health screening signed by a parent or guardian.

4. Statistical Reporting

To report annually to specified county and state agencies: the number of pupils enrolled in the first-grade, the number who have received a health screening examination, and the number of children for which waivers of examination have been received. See item VIII regarding offsetting reimbursement.

VI. Claim Preparation

Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a listing of each item for which reimbursement is claimed under this mandate.

A. Reporting by Components

Claimed costs must be allocated according to the four components of reimbursable activity described in Section V. B.

B. Supporting Documentation

Claimed costs should be supported by the following information:

1. Employee Salaries and Benefits

Identify the employee(s) and their job classification, describe the mandated functions performed, and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits. The average number of hours devoted to each function may be claimed if supported by a documented time study.

2. Materials and Supplies

Only the expenditures which can be identified as a direct cost of the mandate can be claimed. List cost of materials which have been consumed or expended specifically for the purpose of this mandate.

3. Contracted Services

Give the name(s) of the contractors(s) who performed the service(s). Describe the activities performed by each named contractor, and give the number of actual hours spent on the activities. Show the inclusive dates when services were performed and itemize all costs for those services.

4. Allowable Overhead Cost

- a. School districts must use the J-380 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.
- b. County offices of education must use the J-580 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the State Department of Education.

C. Cost Accounting Statistics

The State Controller is directed to include in its claiming instructions each year the requirement that claimants report to the State Controller the following statistics for the purpose of establishing a database for potential future reimbursement based on prospective rates:

- a. The number of kindergarten pupils enrolled.
- b. The number of first-grade pupils enrolled.
- c. The number of health screening certificates obtained.
- d. The number of parental waivers received.
- e. The number of first-grade pupils excluded from school.

VII. Supporting Data

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets that show evidence of the validity of such costs. Pursuant to Government Code section 17558.5, these documents must be kept on file by the agency submitting the claim for a period of no less than four years after the end of the calendar year in which the reimbursement claim is filed, and made available on the request of the State Controller.

VIII. Offsetting Savings and Other Reimbursements

Any offsetting savings claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, e.g., service fees collected, federal funds, other state funds etc., shall be identified and deducted from this claim. The commission has specifically identified as offsetting reimbursement applicable to the Statistical Reporting component (Item V. B. 4) the amount of one dollar per first-grade pupil

that school districts are currently receiving from the State Department of Health Services.

IX. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those cost mandated by the state contained herein.